



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Addendum to Improvement Agreement for Interlake Square, Tract No. 3532, to Provide One-Year Time Extension

MEETING DATE: May 7, 2008

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution approving the Addendum to the Improvement Agreement for the Public Improvements for Interlake Square, Tract No. 3532, to provide one-year time extension, and authorizing the City Manager to execute the agreement on behalf of the City.

BACKGROUND INFORMATION: The subdivision is located along the west side of the old Interlake Industries site, north of Park Street between School Street and Sacramento Street (see Exhibit A). The development consists of eleven medium-density single-family residential lots. The improvement agreement for the required public improvements was approved by Council on August 2, 2006. Under the terms of the improvement agreement, the developer, Cluff LLC and CMT Construction, Inc., had 365 days from the date of the agreement execution to complete the public improvements. In addition, payment of Development Impact Mitigation Fees is required prior to acceptance of the public improvements.

The public improvements are substantially complete; however, due to financial constraints on the part of the developer, the Development Impact Mitigation Fees have not yet been paid. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements and payment of impact fees. Staff feels this is a reasonable request and is recommending a one-year extension for the completion of public improvements and payment of fees as specified under the terms of the original improvement agreement. The addendum also specifies that the developer pay all the additional costs of the document preparation (\$566) and provide the necessary contract security and insurance under the terms of the original agreement.

The developer has executed the agreement and paid the document preparation fees. Staff recommends that Council approve the Addendum to the Improvement Agreement for the Public Improvements for Interlake Square, Tract No. 3532, and authorize the City Manager to execute the agreement on behalf of the City.

FISCAL IMPACT: There will be no financial impact to the City.

FINANCING AVAILABLE: Not applicable.

F. Wally Sandelin
Public Works Director

Prepared by Chris R. Boyer, Junior Engineer
FWS/CRB/pmf
Attachment

cc: Senior Civil Engineer Welch
Cluff LLC
Conti & Associates

Junior Engineer Boyer
CMT Construction, Inc.

APPROVED: _____
Blair King, City Manager

ADDENDUM
to the
IMPROVEMENT AGREEMENT
for the
PUBLIC IMPROVEMENTS
of
INTERLAKE SQUARE
TRACT NO. 3532

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City", and CLUFF, LLC, a California Limited Liability Company, and CMT CONSTRUCTION, INC., a California corporation, hereinafter referred to as "Developer".

RECITALS:

WHEREAS, Developer has applied to the City for issuance of a building permit allowing Developer to build on that parcel known as "INTERLAKE SQUARE, TRACT NO. 3532"; and

WHEREAS, Developer and the City have entered into an improvement agreement for the required public improvements which are a part of, or appurtenant to, the development, hereinafter called "project"; and

WHEREAS, the original improvement agreement is set to expire on August 2, 2007; and

WHEREAS, Developer desires to extend the term of the improvement agreement to allow extra time for the completion of the public improvements.

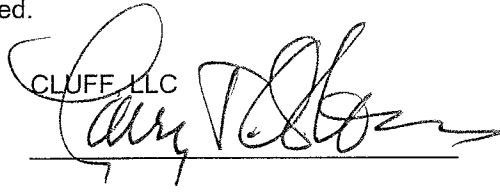
NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, it is hereby agreed between the parties as follows:


1. That this document is considered an addendum to the Improvement Agreement for the Public Improvements of INTERLAKE SQUARE, TRACT NO. 3532.
2. Developer shall perform or cause to be performed all work and/or improvements described under the original improvement agreement by August 2, 2008.
3. Developer agrees to pay all additional costs for preparation and execution of this addendum.
4. Developer shall provide and keep current the necessary contract security and insurance as specified in the original improvement agreement.
5. All other terms and conditions of the original improvement agreement shall remain unchanged.

6. Execution

In Witness Whereof, Developer and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

4/11/08
Date

CLUFF, LLC


CMT CONSTRUCTION, INC.


(CORPORATE SEAL)

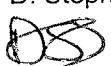
CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Blair King, City Manager Date _____

ATTEST:

Randi Johl, City Clerk Date _____

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney


RESOLUTION NO. 2008-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE IMPROVEMENT AGREEMENT ADDENDUM FOR PUBLIC
IMPROVEMENTS AT INTERLAKE SQUARE, TRACT NO. 3532

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WHEREAS, the developer, Cluff LLC and CMT Construction, Inc., executed an improvement agreement for the required public improvements for Interlake Square, Tract No. 3532, on August 2, 2006, and, pursuant to the terms thereof, the developer had 365 days from the date of the agreement execution to complete the public improvement. As a condition of the improvement agreement, payment of Development Impact Mitigation Fees is required prior to acceptance of the public improvements; and

WHEREAS, the public improvements are substantially complete; however, due to financial constraints on the part of the developer, the Development Impact Mitigation Fees have not yet been paid. The developer desires to comply with the requirements of the agreement and staff is recommending a one-year extension for the completion of public improvements and payment of fees as specified under the terms of the original improvement agreement; and

WHEREAS, the addendum also specifies that the developer pay all the additional costs of the document preparation (\$566) and provide the necessary contract security and insurance for the terms of the original agreement; and

WHEREAS, the developer has executed the agreement and paid the additional fees, and staff recommends that the City Council approve the Addendum to the Improvement Agreement for the Public Improvements for Interlake Square, Tract No. 3532, and authorize the City Manager to execute the agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement for the Public Improvements for Interlake Square, Tract No. 3532, is hereby approved, and further that the City Manager is authorized to execute said Addendum on behalf of the City of Lodi.

Dated: May 7, 2008

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I hereby certify that Resolution No. 2008-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 7, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2008-_____